

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

UNITED STATES OF AMERICA, :
 :
Plaintiff, : Criminal Action
 : No. 1:21-cr-245
v. :
 :
IGOR Y. DANCHENKO, : August 1, 2022
 : 2:26 p.m.
Defendant. :
 :
..... :

TRANSCRIPT OF STATUS CONFERENCE PROCEEDINGS
BEFORE THE HONORABLE ANTHONY J. TRENGA,
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the United States: DOJ-USAO

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(Continued)

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24 Proceedings reported by machine shorthand. Transcript produced by
25 computer-aided transcription.

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1 THE COURTROOM DEPUTY: Criminal Case Number 1:21-cr-245,
2 *United States vs. Igor Danchenko*. Counsel, will you please note
3 your appearances for the record.

4 MR. DURHAM: Good afternoon, Your Honor. John Durham,
5 Michael Keilty, and Adam Small for the United States.

6 THE COURT: All right. Welcome.

7 MR. SEARS: Good afternoon, Your Honor. Stuart Sears
8 and Danny Onorato on behalf of Mr. Danchenko, who's present in
9 the courtroom.

10 THE COURT: All right. We're here on a status
11 conference. The primary purpose is to find out if there are any
12 issues we need to deal with or you anticipate anything you need
13 to deal with before the trial that's scheduled to begin in
14 October.

15 One thing I wanted to do was to get a sense from the
16 government about how long you think your case will last. Let me
17 just tell you the Court's own schedule. I've got an unresolvable
18 conflict beginning the week of October 31st, so if this trial
19 continues past that Friday, which is October 28th, we're going to
20 have to take a week's recess. Do you have a sense of how long it
21 would take, Mr. Durham, your case-in-chief?

22 MR. DURHAM: Yes, Your Honor, and we've discussed it,
23 generally, with defense counsel. We suspect that the case will
24 take, probably, five, maybe six trial days.

25 THE COURT: All right. Well, that should give us

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1 plenty of time.

2 Any other issues, Mr. Durham, that you want to alert
3 the Court to?

4 MR. DURHAM: I don't believe so, Your Honor. We've
5 been in contact with counsel telephonically; we've met. I think
6 that we're in agreement that the discovery is proceeding as the
7 Court would expect.

8 THE COURT: Good. Working through any CIPA issues?

9 MR. DURHAM: With respect to CIPA issues, I think --
10 we'd indicated to the Court previously and we've indicated to
11 defense counsel that we do anticipate filing a short supplemental
12 CIPA 4, which we expect to file this week, but other than that,
13 we're not aware of anything.

14 THE COURT: All right. Mr. Sears?

15 MR. SEARS: Thank you, Your Honor. I would echo Mr. --

16 THE COURT: Life good at your end of the court here?

17 MR. SEARS: Excuse me, Your Honor?

18 THE COURT: Is life good on your side?

19 MR. SEARS: It's okay. It's okay. It's never that
20 good, but we don't need to get into that on the record.

21 THE COURT: All right.

22 MR. SEARS: Your Honor, we've been coordinating with
23 the Special Counsel's Office. Things seem to be going well on
24 that front. I've also been using the assistance of the
25 Litigation Security Group, who has made my life very easy as far

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1 as the CIPA material is concerned. We are on track to file our
2 written notice tomorrow.

3 THE COURT: All right.

4 MR. SEARS: I don't see any issues there. I do
5 understand that there may be additional classified discovery that
6 trickles in over the next couple of weeks. The Special Counsel's
7 Office has indicated to us that they would not object to us
8 filing a supplemental 5(a) notice if we need to -- hopefully, we
9 won't -- but I think both parties are working well together
10 trying to streamline the issues for the Court as much as possible
11 in anticipation of trial.

12 The only thing I would raise, Your Honor, I don't think
13 the Court ever set a deadline for a 404(b) notice, and I can't
14 recall what the Court's usual practice with that is. Because of
15 the classified issues here -- and I don't know exactly what a
16 404(b) notice may look like and how long we may need to respond
17 to that and look into any of the issues that are raised, and I
18 did not have a chance to speak to the Special Counsel about that
19 before coming here today -- I did want to just float that as
20 something that might be worth setting a date by, in consultation
21 with the Special Counsel, so we're not scrambling last minute
22 with classified issues.

23 THE COURT: Why don't you-all discuss it. I mean, see
24 if you can agree on that. If not, let me know and I'll set a
25 date.

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1 MR. SEARS: I'm sure we'll be able to agree on it.

2 THE COURT: Let me just raise one other -- I do want to
3 use a jury questionnaire, and it's my intention to send one to
4 you for your review here within the next few days. This week, I
5 hope I can get it to you and you give me your comments back on
6 it.

7 MR. SEARS: And I was going to raise either today or at
8 a later status hearing, I mean, we have discussed on our side,
9 Your Honor, that we do have some concerns. It's not exactly the
10 best time to be a Russian defendant in this country. You don't
11 have to go very far from this courthouse to see Ukranian flags
12 hanging in people's yards. That is an issue that I would like
13 the Court to address at some point in voir dire. I haven't given
14 thought exactly how to do it, but it is something that we are
15 probably going to be asking the Court to at least question the
16 jurors about.

17 THE COURT: All right. Well, I'll send out the
18 questionnaire. Please submit any suggestions that you'd like the
19 Court to include in that.

20 Anything else we can accomplish today?

21 MR. DURHAM: The government knows of nothing. Thank
22 you, Your Honor.

23 MR. SEARS: No, Your Honor. Thank you.

24 THE COURT: All right. Great. Very good. And I think
25 we're set for another status conference in September, I believe.

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1 MR. SEARS: Yes. I believe we have the CIPA hearing on
2 August 30th, Your Honor, and then --

3 THE COURT: Yes, 9/22, I think -- yes, September 22nd,
4 we have a status conference.

5 MR. SEARS: Yes, correct.

6 THE COURT: Great. All right. Very good. Thank you.

7 Counsel are excused. The Court will stand in recess.

8 * * * * *

9 CERTIFICATE OF REPORTER

10 I hereby certify that the foregoing transcript is a true and
11 accurate record of the stenographic proceedings in the above
12 matter.

13
14 /s/ Diane Salters

August 1, 2022

15 Diane Salters, CSR, RCR, RPR
16 Official Court Reporter

Date